
HOUSE BILL No. 1066

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24-15-6.7; IC 9-25-6; IC 9-29-13-1; IC 35-43-4-2.5.

Synopsis: Failure to pay for motor vehicle fuel. Provides that a person commits fuel theft, a Class D felony, if the person knowingly or intentionally leaves the place where fuel was dispensed into the fuel tank of the person's motor vehicle without paying or authorizing payment for the gasoline or motor vehicle fuel. Provides that, in addition to the standard penalties for a Class D felony, the driving license of a person who commits fuel theft shall be suspended for 90 days, subject to reinstatement upon payment of a ten dollar reinstatement fee. Provides exceptions to the requirement that a person whose driver's license or vehicle registration has been suspended for reasons other than for failure to provide proof of financial responsibility provide the bureau of motor vehicles a certificate of compliance concerning financial responsibility. Makes conforming amendments.

Effective: July 1, 2001.

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January 8, 2001, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1066

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-24-15-6.7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.7. (a) If a petitioner
3 whose driving license or permit is suspended under IC 9-25-6-19,
4 **IC 9-25-6-20, or IC 9-25-6-21** proves to the satisfaction of the court
5 that public transportation is unavailable for travel by the petitioner:

- 6 (1) to and from the petitioner's regular place of employment;
7 (2) in the course of the petitioner's regular employment;
8 (3) to and from the petitioner's place of worship; or
9 (4) to participate in visitation with the petitioner's children
10 consistent with a court order granting visitation;

11 the court may grant a petition for a restricted driving permit filed under
12 this chapter.

13 (b) A restricted driving permit issued by the bureau under this
14 section must specify that the restricted driving permit is valid only for
15 purposes of driving under the conditions described in subsection (a).

16 (c) A restricted driving permit issued by the bureau under this
17 section shall be:

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- 1 (1) issued in the same manner; and
 2 (2) subject to all requirements;
 3 as other permits under this chapter.

4 SECTION 2. IC 9-25-6-14 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) ~~Except as~~
 6 ~~provided in subdivision (3); subsection (b); and section 3.5 of this~~
 7 ~~chapter, the suspension of a current driving license or vehicle~~
 8 ~~registration, or both, under this chapter remains in effect for ninety (90)~~
 9 ~~days. Subject to section 15 of this chapter, The bureau shall reinstate~~
 10 ~~the current driving license or vehicle registration, or both:~~

11 (1) **subject to section 15 of this chapter**, after ninety (90) days
 12 **of suspension:**

13 (A) **except as provided in sections 19, 20, and 21(b) of this**
 14 **chapter, if** the person has furnished the bureau with a
 15 certificate of compliance showing that financial responsibility
 16 is in effect with respect to the vehicle; **or**

17 ~~(2) after ninety (90) days~~ (B) if the person is no longer an
 18 owner of the vehicle or the registration of the vehicle has been
 19 canceled or has expired; ~~or~~

20 (2) **if the person is subject to section 21(b) of this chapter and**
 21 **to IC 9-29-13-1, after ninety (90) days of suspension;**

22 (3) **subject to section 15 of this chapter**, when the person
 23 furnishes the bureau with a certificate of compliance showing that
 24 financial responsibility is in effect with respect to the vehicle if:

25 (A) subdivision ~~(2)~~ (1)(B) does not apply; and

26 (B) the person fails to furnish the bureau with a certificate of
 27 compliance as described in subdivision (1)(A) within ninety
 28 (90) days after the current driving license of the person is
 29 suspended; **or**

30 ~~(b)~~ (4) if financial responsibility was in effect with respect to a
 31 vehicle on the date of the accident but the person does not provide
 32 the bureau with a certificate of compliance indicating this fact
 33 until after the person's current driving license is suspended under
 34 this chapter, the person's current driving license shall be
 35 reinstated when the person provides the certificate of compliance
 36 to the bureau and complies with section 15 of this chapter.

37 ~~(c)~~ (b) Upon receipt of a certificate of compliance under this
 38 section, the bureau shall expunge from the bureau's data base the
 39 administrative suspension caused by the failure to notify the bureau
 40 that the person had financial responsibility in effect on the date of the
 41 violation.

42 SECTION 3. IC 9-25-6-21 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 21. (a) Upon receiving an order issued by a court under IC 35-43-4-2.5(e) concerning a person convicted of fuel theft, the bureau shall do the following:**

(1) Suspend under subsection (b) the driving privileges of the person who is the subject of the order, whether or not the person's current driving license accompanies the order.

(2) Mail to the last known address of the person who is the subject of the order a notice:

(A) stating that the person's driving license is being suspended for fuel theft;

(B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates; and

(C) stating that the person may be granted a restricted driving permit under IC 9-24-15-6.7 if the person meets the conditions for obtaining a restricted driving permit.

(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 35-43-4-2.5(e):

(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2); and

(2) terminates ninety (90) days after the suspension begins.

(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by a restricted driving permit issued to the person under IC 9-24-15-6.7.

SECTION 4. IC 9-29-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1. The fee for the reinstatement of operating or registration privileges that have been suspended by administrative action under this title or by court order under IC 9-25-6-21 is ten dollars (\$10).**

SECTION 5. IC 35-43-4-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.5. (a) As used in this section, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).**

(b) A person who knowingly or intentionally exerts unauthorized control over the motor vehicle of another person, with intent to deprive the owner of:

(1) the vehicle's value or use; or

(2) a component part (as defined in IC 9-13-2-34) of the vehicle; commits auto theft, a Class D felony. However, the offense is a Class



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1 C felony if the person has a prior conviction of an offense under this
2 subsection or subsection (c).

3 (c) A person who knowingly or intentionally receives, retains, or
4 disposes of a motor vehicle or any part of a motor vehicle of another
5 person that has been the subject of theft commits receiving stolen auto
6 parts, a Class D felony. However, the offense is a Class C felony if the
7 person has a prior conviction of an offense under this subsection or
8 subsection (b).

9 **(d) A person who:**

10 **(1) knowingly or intentionally operates a motor vehicle so as**
11 **to leave the premises of an establishment at which gasoline or**
12 **motor vehicle fuel offered for retail sale has been dispensed**
13 **into the fuel tank of the motor vehicle; and**

14 **(2) has not:**

15 **(A) paid; or**

16 **(B) authorized payment by credit card, debit card, charge**
17 **card, or a similar method;**

18 **for the gasoline or motor vehicle fuel dispensed into the fuel**
19 **tank of the motor vehicle;**

20 **commits fuel theft, a Class D felony.**

21 **(e) The court imposing a sentence upon a person who has**
22 **committed fuel theft shall issue an order to the bureau of motor**
23 **vehicles:**

24 **(1) stating that the person has been convicted of fuel theft;**
25 **and**

26 **(2) ordering the suspension of the person's driving privileges**
27 **under IC 9-25-6-21.**

28 **The suspension of a person's driving privileges for the commission**
29 **of fuel theft is in addition to the other penalties prescribed by**
30 **IC 35-50-2-7 for a Class D felony.**

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